

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
SE/Corner Krueger Avenue and
Philadelphia Road
(1212 Krueger Avenue)
15th Election District
7th Councilmanic District
Douglas W. Quesenberry, et ux
Petitioners

* ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 91-71-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit existing accessory structures (swimming pool with attached deck) with a side yard setback of 2 feet and a rear yard setback of 6 inches, both in lieu of the minimum required 2.5 feet for each, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in financial difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of October, 1990 that the Petition for Residential Variance to permit existing accessory structures (swimming pool with attached deck) with a side yard setback of 2 feet and a rear yard setback of 6 inches, both in lieu of the minimum required 2.5 feet for each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 10, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Douglas W. Quesenberry
1212 Krueger Avenue
Baltimore, Maryland 21237

RE: PETITION FOR RESIDENTIAL VARIANCE
SE/Corner Krueger Avenue and Philadelphia Road
(1212 Krueger Avenue)
15th Election District - 7th Councilmanic District
Douglas W. Quesenberry, et ux - Petitioners
Case No. 91-71-A

Dear Mr. & Mrs. Quesenberry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-71-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 1212 Krueger Ave.
Rosedale, MD 21237
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

1. Only way pool will sit is to have access to both sides.
2. Pool is protected by 6' privacy fence.
3. I have invested a lot of time and expense for the proper installation of this pool.
4. It is recreation for the whole family.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Douglas W. Quesenberry
AFFIANT (Handwritten Signature)

Douglas W. Quesenberry
AFFIANT (Printed Name)

Julie L. Quesenberry
AFFIANT (Handwritten Signature)

Julie L. Quesenberry
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of AUGUST, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Douglas W. Quesenberry And Julie L. Quesenberry

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 9, 1990

DATE



M. J. Stephens
NOTARY PUBLIC
Baltimore County
My Commission Expires:
August 1, 1994

Zoning Description

BEGINNING for the same at the corner formed by the intersection of the Eastern side of Krueger Avenue, 40 feet wide, and the Southeastern side of Old Philadelphia Road, and running thence from said place of beginning, bearing East 107 feet; thence for line of division across lots #16 and #17 plat of Property of Carville V. Mace Estate, which Plat is recorded among the Records of Baltimore County in Plat Book C.W.B., Jr. No. 212, being the outline of lot #18 on said Plat; thence bearing North 26 degrees 14 minutes East 78 feet to intersect the said Southeastern side of said Old Philadelphia Road, thence running South 85 degrees 36 minutes West 92.30 feet more or less to the place of beginning. Being part of Lot #16 and part of lot 17 on the Plat above referred to. The Improvements thereon being known as No. 1212 Krueger Avenue (also known as No. 1212 Krueger Avenue).

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Date 8/13/90

	QTY	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (TRL)	1 X	\$35.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: QUESENBERY

Account: R-001-6150

No 3167
1285

Please make checks payable to: Baltimore County

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: R-001-6150
Number

No 1285
3167

Date 8-10-90

Douglas W. Quesenberry
1212 Krueger Ave.

* Residential Administrative Variance

Filing fee - \$35.00
Sign - 25.00
Total - \$60.00

04404#0064#1C#RC \$60.00
BA 040915#AP08-10-90

Please make checks payable to: Baltimore County

Validation:

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

District 12th Date of Posting 9/5/90
Posted for: Variance
Petitioner: Douglas Wayne Quesenberry, et ux
Location of property: 1212 Krueger Ave.
Location of Signs: Posting Krueger Ave. and Philadelphia Rd.
Remarks: See Sign on property of Baltimore
Posted by: M. J. Stephens Date of return: 9/2/90
Number of Signs: 1

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-71-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.1 To allow accessory structures (a pool) with a side yard setback of 2 ft. and a detached deck with a rear yard setback of 6 inches in lieu of the required 2 1/2 ft.

setback for each.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

1. Only way pool will sit is to have access to both sides
2. Pool is protected by 6' privacy fence
3. I have invested a lot of time and expense for the proper installation of this pool
4. It is recreation for the whole family

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):
DOUGLAS WAYNE QUESENBERY

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of Aug, 1990, that the subject matter of this petition be posted on the property on or before the 10th day of Aug, 1990.

J. Robert Haines
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of Aug, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Townson, Baltimore County, on the 10th day of Aug, 1990, at 10 o'clock, AM.

ORDER RECEIVED FOR FILING

Date 10/10/90

By JRH

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 21, 1990

Mr. & Mrs. Douglas Wayne Quesenberry
1212 Krueger Avenue
Rosedale, Maryland 21237

Dennis F. Rasmussen
County Executive

Re: CASE NUMBER: 91-71-A

ITEM NUMBER: 55

LOCATION: SE/ Corner Krueger Avenue and Old Philadelphia Road
1212 Krueger Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before September 5, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is September 20, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the opening of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

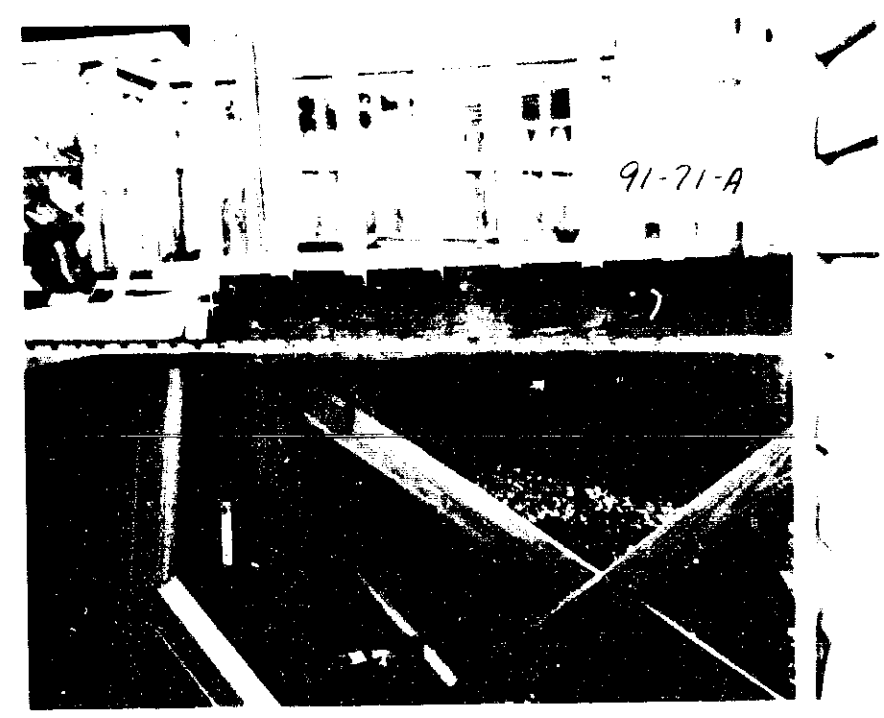
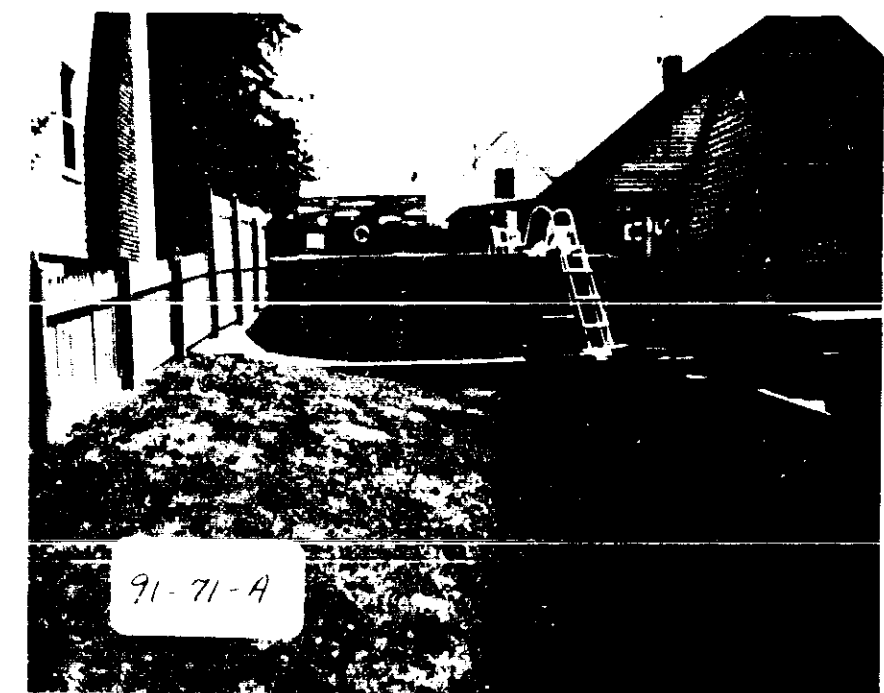
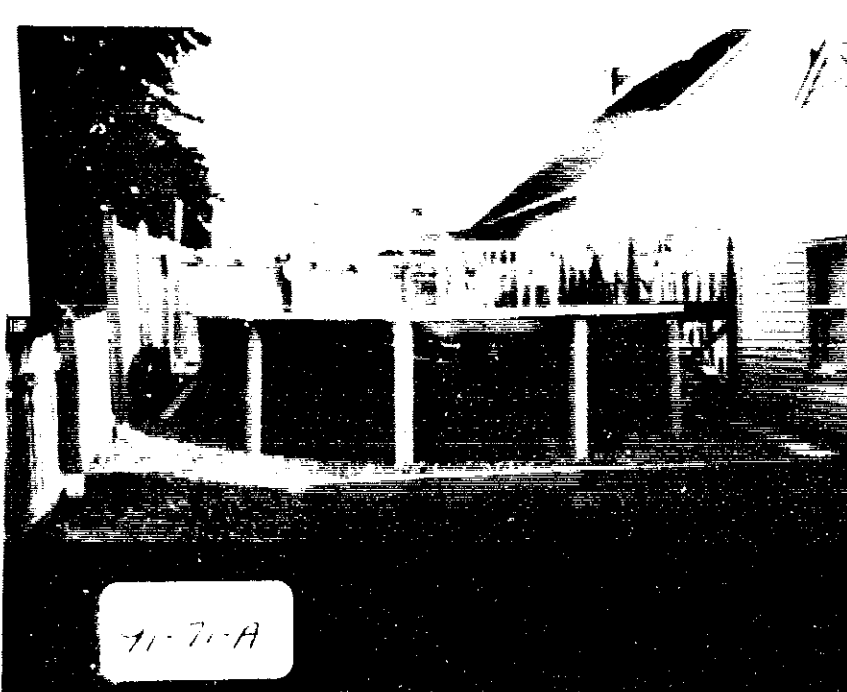
Very truly yours,

15/

S. G. Stephens
(301) 887-3391

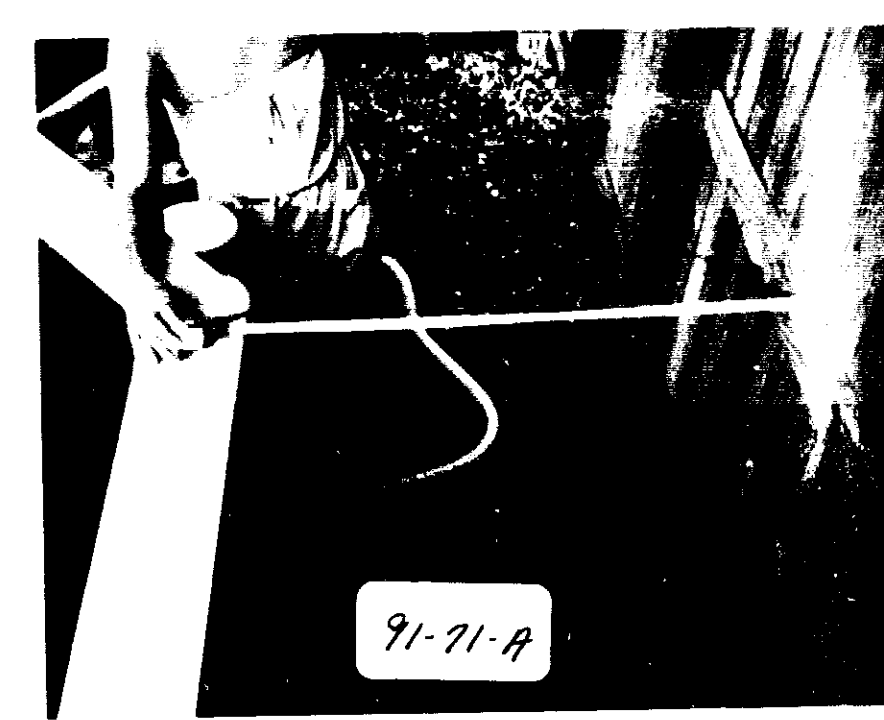
91-71-A

PETITIONER'S EXHIBIT # 3



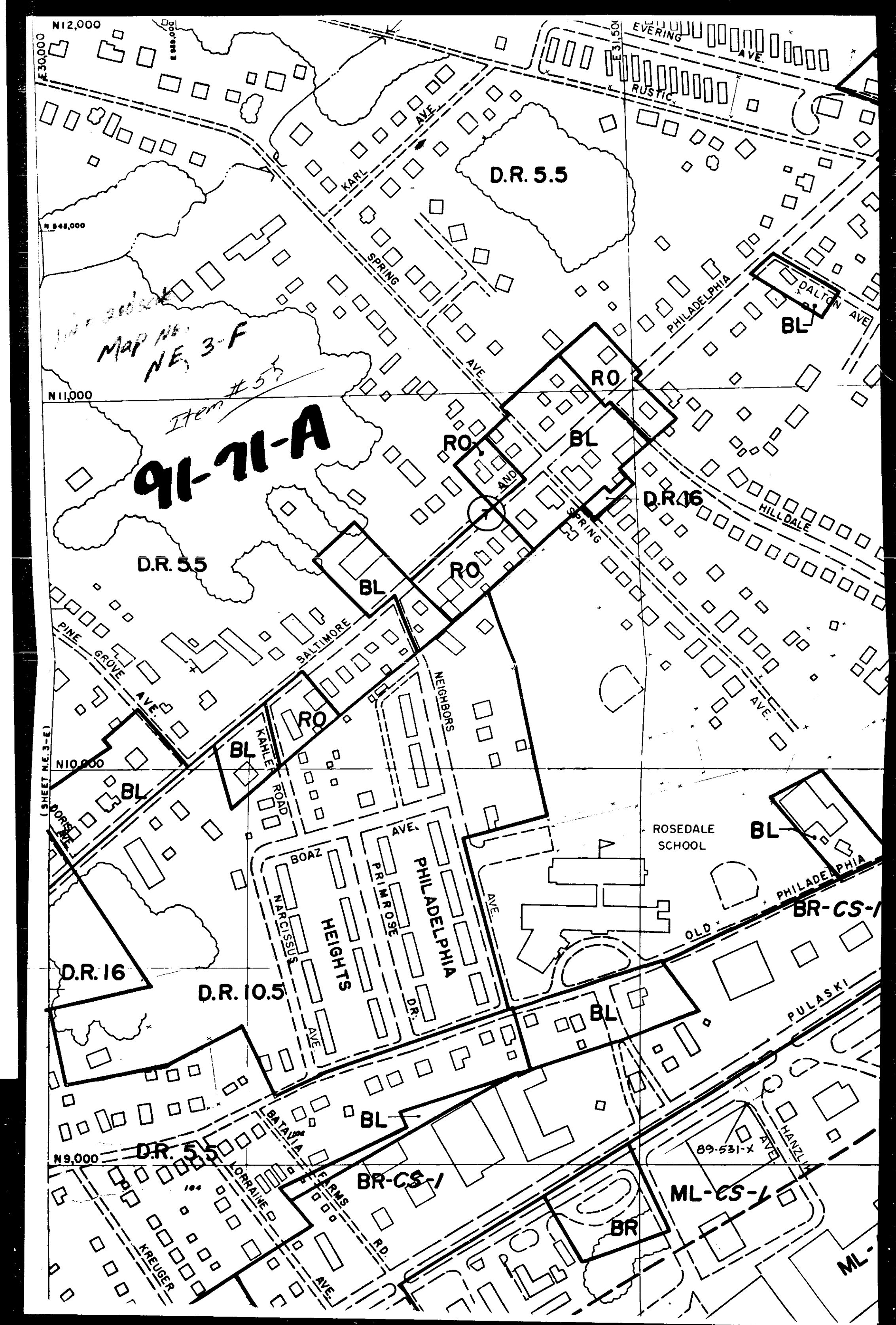
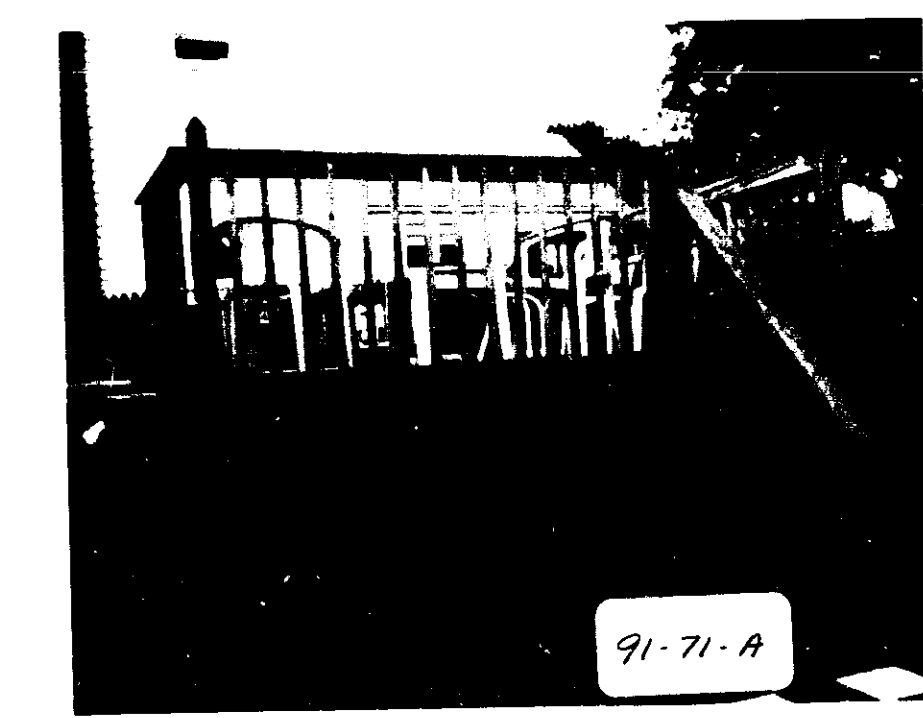
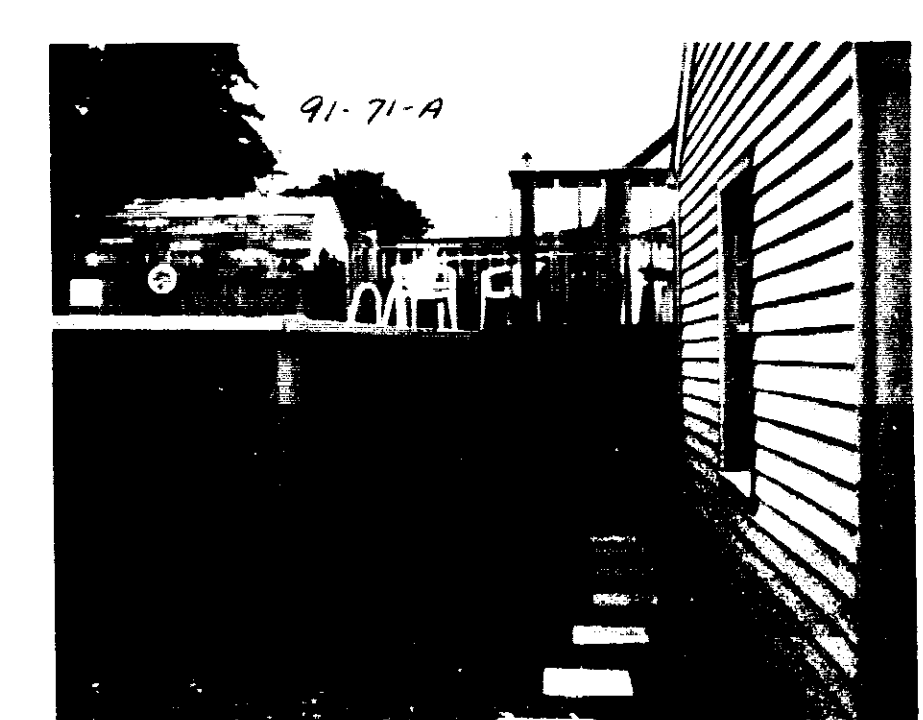
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PETITIONER'S EXHIBIT # 1



91-71-A

PETITIONER'S EXHIBIT # 1



PETITIONER'S EXHIBIT # 2

CASE NUMBER: 91-71-A

August 7, 1990

I Carolyn D. Benedicta living behind the Quesenberry's of 1212 Krueger Ave. have no objections to their pool being two feet off of my property line.

Signature Carolyn D. Benedicta
Address 8117 Old Phila. Rd.
Phone No. 687-8160
Sworn to before me this 9th day of August, 1990.

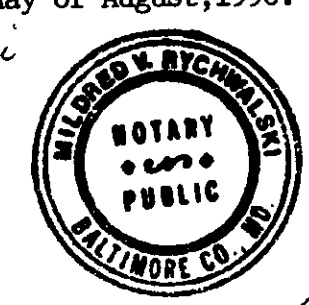
Notary Public
Baltimore County

August 7, 1990

I Burton L. Snaffer living next door to the Quesenberry's at 1212 Krueger Ave. have no objections with their installation of their pool. Their pool is off of my property line by 37 inches.

Signature Burton L. Snaffer Karen Rae Shaffer
Address 1210 Krueger Ave 1210 Krueger Ave
Phone No. 686-1483 686-0882
Sworn to before me this 9th day of August, 1990.

Mildred V. Rychewski
Notary Public
Baltimore County



Petitioner Exhibit 2 91-71A

Item #55

